

**BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA**

DOCKET NO. _____

In Re:)
)
Petition of The Electric Cooperatives of)
South Carolina to Establish a new docket)
for purpose of allowing electric)
cooperatives to provide notice of certain)
contracts as required by S.C. Code Ann.)
§58-9-3030(C)(1) of the Broadband)
Accessibility Act (Act 175 of 2020).)
_____)

**PETITION OF
THE ELECTRIC COOPERATIVES
OF SOUTH CAROLINA**

The Electric Cooperatives of South Carolina (“ECSC”), pursuant to S.C. Code Ann. § 58-9-3030(C)(1) and Rule 103-825 of the Rules and Regulations of the Public Service Commission of South Carolina (the “Commission”), hereby petitions the Commission to establish a new docket for the purpose of allowing electric cooperatives to provide notice of certain contracts as required by S.C. Code Ann. §58-9-3030(C)(1) of the Broadband Accessibility Act (Act 175). In support hereof, ECSC shows the following:

1. ECSC is an electric membership cooperative formed pursuant to Chapter 49 of Title 33 of the South Carolina Code. ECSC’s members include nineteen electric distribution cooperatives that provide retail electric service to their members. ECSC provides assistance to its members in various matters including legal and regulatory issues that impact those members. ECSC submits this petition on behalf of its member cooperatives because the subject of the petition is one that affects a number of the distribution cooperatives.

2. The Broadband Accessibility Act (“the Act”), among other things, enacted new S.C. Code Ann. §58-9-3030(C)(1) which imposes on certain electric cooperatives an obligation to provide notice to the Commission within fifteen days of entering into certain contracts for the

provision of broadband facilities or services. The notice required by §58-9-3030(C)(1) is intended to provide other communications service providers an opportunity to conduct due diligence regarding such a contract and, if they desire, to pursue a complaint about such a contract if they believe it violates the provisions of §58-9-3030(C)(1).

3. ECSC requests that the Commission establish a docket for the purpose of receiving notices submitted pursuant to §58-9-3030(C)(1), and that the docket to be established be used for all notice filings made by any electric cooperative that is required to provide notice pursuant to §58-9-3030(C)(1). ECSC submits that establishing a docket as requested in this petition will both provide electric cooperatives an efficient way of providing the required notice and will allow other communication service providers, by intervening in the docket, an efficient way of receiving notices. ECSC also submits that its proposal is consistent with the Commission's existing operations, and that this proposal will allow the Commission to facilitate compliance with §58-9-3030(C)(1) without making any significant changes to its operations. ECSC requests that the docket created by the Commission to address this petition be the docket to be used for the ongoing notice filings required by §58-9-3030(C)(1).

4. ECSC proposes that any complaints about specific contracts that arise under §58-9-3030(C)(1) should be filed separately and new dockets created for any such complaints.

5. ECSC requests that the Commission act on this petition expeditiously. Under Section 8 of the Act it took effect on September 29, 2020 when it was signed by the Governor. Under §58-9-3030(C)(1) the obligation to give notice of certain contracts took effect on that date. Accordingly, electric cooperatives could have an obligation to provide notice as early as October 15, 2020.

WHEREFORE, ECSC requests that the Commission:

- A. Establish a specific docket for the purpose of providing notice required by §58-9-3030(C)(1) for any electric cooperative required by such provision to give notice;
- B. Allow for intervention in such docket by any communications service provider for the purposes of receiving notice required by §58-9-3030(C)(1);
- C. Require that any specific complaints that are submitted in the future asserting violations of §58-9-3030(C)(1) be filed separately in new dockets.
- D. Grant the relief requested herein as soon as possible.

s/Frank R. Ellerbe, III
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